

REMARKS

This Response is offered in reply to the office action of May 23, 2003. A petition and fee for a one month time extension are enclosed.

In paragraph 1 of the office action, the examiner requests that Figure 2 be labelled PRIOR ART. To this end, Applicant encloses a Letter TO Official Draftsperson and a new Figure 2 labelled as instructed by the examiner. Reconsideration of the drawings is requested.

In paragraph 2 of the office action, the examiner requests that headings be included in the specification. To this end, Applicant has amended the specification to include appropriate headings. Reconsideration of the specification is requested.

In paragraph 4 of the office action, claims 19-23 are rejected under 35 USC 102(a) in view of admitted prior art (AAPA) as found on page 1 and on page 12, fourth full paragraph to page 14, fourth full paragraph.

With respect to independent claim 19, it has been amended to include features set forth in claims 20-21, which have been canceled. Pending claim 19 recites a gasket comprising at least a first gasket layer (e.g. 144) and a second gasket layer (e.g. 132) wherein an outer contour of the first gasket layer (e.g. 144) comprises a free-cutting line cut by a free-cutting tool and an outer contour line cut by a tool for cutting outer contour lines, wherein the free-cutting and outer contour lines together form a corner (e.g. 146), and wherein the second gasket layer (e.g. 132) projects beyond the corner on the first gasket layer (e.g. 144).

USSN 09/892 052

The AAPA does not disclose any gasket having at least first and second gasket layers wherein the second gasket layer projects beyond a corner on the first gasket layer. Pending claim 19 is not disclosed by the AAPA.

Claim 22 has been amended in independent form and recites a gasket comprising at least a first gasket layer (e.g. 144) and a second gasket layer (e.g. 132), wherein an outer contour of the first gasket layer comprises a free-cutting line cut by a free-cutting tool and an outer contour line cut by a tool for cutting outer contour lines, wherein the free-cutting and outer contour lines together form a corner (e.g. 146), and wherein the second gasket layer comprises an outer contour line section (e.g. 150) following a course of the outer contour line of the first gasket layer or a course of the free-cutting line of the first gasket layer, wherein a second outer contour line section (e.g. 152) smoothly adjoins the outer contour line section of the first gasket layer in the area of the corner (e.g. 146) of the first gasket layer.

A gasket comprising at least first and second gasket layers having the features recited in claim 22 is neither disclosed nor suggested by the AAPA.

Claim 23 has been amended to depend from claim 22 and is believed to be allowable also.

Reconsideration of the Section 102(a) rejection of pending claims 19, 22, and 23 is requested.

In paragraph 6 of the office action, claims 1-17 and 19-23 are rejected under 35 USC 103(a) in view of admitted prior art (AAPA) as found on page 12, fourth full paragraph to page 14, fourth full paragraph with reference to Figure 2 further taken with DE 884936 ('936).

The examiner acknowledges the deficiencies of the AAPA at the top of page 5 of the office action and cites the '936 reference to make up for these deficiencies. However, Applicant disagrees firstly with the proposed combination of the '936 reference with the AAPA. In particular, the '936 reference involves a process for the manufacture of furniture fitting members. The manufacture of furniture fitting members is not believed to be even remotely pertinent to manufacture of Applicant's gaskets and not properly combinable therewith as proposed by the examiner. The proposed combination of the '936 reference with the AAPA appears to constitute a prohibited hindsight analysis of Applicant's claims.

Secondly, the '936 reference does not make up for the deficiencies of the AAPA. In particular, the '936 reference involves a process for the manufacture of furniture fitting members wherein the fitting members are punched out of a metal sheet by means of punching tools (e.g. f and g) having corners to their cutting edges as can be seen from Figure 1 of the reference and from the enclosed attachment A showing the '936 reference cutting tool.

Further, the outer contour line cut by the tool (e.g. m) for cutting out a contour line according to the '936 reference does not dip into the cutting areas (first cutting area and second cutting area) cut by the punching tools in the preceding punching stations, but only meet the second cutting area at a corner thereof (see the attachment A of the '936 reference cutting tool).

In contrast, in the device according to Applicant's claim 1 and in the process according to Applicant's claim 9, a corner-free free-cutting area is cut by means of a free-cutting tool having a corner-free shape to its cutting edge, and the outer contour line is cut afterwards by means of a cutting edge of a tool for cutting out the contour lines dipping into the free-cutting area during the cutting procedure (see attachment B which shows at "D" the portion of the cutting edge of the tool for cutting outer contour lines which dips into the corner-free free-cutting area which is cut by the free-cutting tool in the free-cutting station of the claimed device.

As a result of the free-cutting tool having a corner-free shape and the cutting edge of the tool for cutting outer contour lines dipping into the free-cutting area cut by the free-cutting tool, the outer contour line is cleanly cut and the edges of the gasket plates are not bent during the cutting process as described, for example, at Applicant's specification page 16, first full paragraph.

In addition, as is also apparent from enclosed attachment B, adjacent gasket plates are cleanly separated from each other even in the case the outer contour line cut by the tool for cutting out the contour lines is shifted in relation to the free-cutting area cut by the free-cutting tool because the outer contour line dips into the free-cutting area by the length of the portion D of the outer contour line, whereby the gasket plates are cleanly separated even in the case that the end of cutting edge of the tool for cutting the contour lines is shifted towards the edge of the free-cutting area.

As also shown in enclosed Attachment B and as set forth in claim 4, the edge of the free-cutting area extends preferably at

USSN 09/892 052

right angles to the outer contour lines cut by the tool for cutting out the contour lines (angle alpha).

The '936 reference teaches only to use punching tools having corners to their cutting edges and to use a tool for cutting an outer contour line which does not dip into the free-cutting area, but only meets the free-cutting area at a corner thereof. The '936 reference as well as the AAPA teach away from the subject matter of Applicant's pending claims 1-17.

With respect to claims 19 and 22-23, these claims are believed patentable over the AAPA taken with the '936 reference for the reasons set forth above and also since the '936 reference involves manufacture of furniture fitting members, which are not pertinent to and utterly unrelated to Applicant's claimed gasket structure.

Reconsideration of the Section 103(a) rejection of claims 1-17 and 19-23 is requested.

In paragraph 7 of the office action, claim 18 is rejected under 35 USC 103(a) in view of admitted prior art (AAPA) as found on page 12, fourth full paragraph to page 14, fourth full paragraph taken with the '936 reference and an additional reference selected from either US 4 862 574; US 3 998 300; or US 3 822 461.

Applicant believes the rejection of claim 18 is incorrect. The proposed combination of the AAPA and the '936 reference is not believed correct and not to suggest Applicant's invention as set forth in detail above. Moreover, the '574 patent involves a panty protector which is utterly unrelated to Applicant's claimed process for making a gasket. The '300 patent involves a drum brake shoe which also is utterly unrelated to Applicant's claimed process for making a gasket. The '461 patent involves a disposable tissue lancet which also is utterly unrelated to

USSN 09/892 052

Applicant's claimed process for making a gasket. The proposed combination of the '936 reference together with the '574 patent, the '300 patent, or the '461 patent with the AAPA is not supported by the references themselves and clearly constitutes a prohibited hindsight analysis of claim 18.

Reconsideration of the Section 103(a) rejection of claim 18 is requested.

Applicant believes the pending claims are in condition for allowance, and action to that end is requested.

Respectfully submitted,



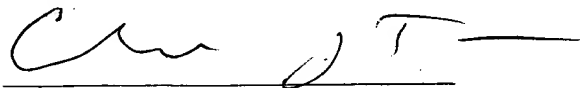
Edward J. Timmer
Reg. No. 27 402

Enclosure: Letter To Official Draftsperson and Postal Card

Telephone: 269-629-9136

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 CFR 1.8 as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 23, 2003.



Edward J. Timmer